

REMARKS

First, Applicants thank the Examiner for discussing this case with Applicants' representatives. A Statement of Summary of Interview is enclosed herewith.

Claims 1-9 are all the claims pending in the present application. The Examiner maintains the prior art rejections similar to those set forth in the previous Office Action, and adds a few new arguments in the section of the Office Action discussing the rejection under 35 U.S.C. § 101. Specifically, claims 1 and 7-9 remain rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claims 1-3 and 9 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Menzies et al. (U.S. Patent No. 6,317,748) in view of "Official Notice." Claim 4 remains rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Menzies and "Official Notice", and in view of Skog et al. (U.S. Patent No. 6,385,650). Claims 5 and 6 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Menzies in view of Collin et al. (U.S. Patent No. 6,687,761), and "Official Notice." Finally, claims 7 and 8 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Menzies and "Official Notice," and in view of Fiszmann et al. (U.S. Patent No. 6,115,646).

§ 101 Rejections – Claims 1 and 7-9

The Examiner maintains the rejections of claims 1 and 7-9 for the reasons set forth on pages 8-9 of the present Office Action.

Applicants' representatives spoke to the Examiner regarding the rejections under 35 U.S.C. § 101.

Applicants believe that claims 1 and 7-9 are patentable under 35 U.S.C. § 101.

Prior Art Rejections

Applicants' representatives also spoke to the Examiner regarding the prior art rejections and it was explained why it is believed that the claimed invention is patentably distinguishable over the applied references. The Examiner agreed to further consider these points as well as the arguments set forth below and in the previous Amendment.

In the present Office Action, the only change to the previous Office Action is that the Examiner changes the anticipation rejection of claims 1-3 and 9 to an obviousness rejection, and the Examiner takes "Official Notice" that "both the concept and advantages of providing two son objects is well known and expected in the art." *See page 10 of Office Action.*

In response, first, Applicants maintain the arguments set forth in the previous Amendment dated December 22, 2006.

Applicants also submit that the Examiner has made extremely liberal use of the concept of official notice. As the Examiner is no doubt aware, it is impermissible to rely upon official notice at a point of novelty in the claimed invention.

Further, the Examiner has cited two references, Whitney et al. (U.S. Patent No. 5,842,214) and Volk et al. (U.S. Patent No. 5,673,401)) to support the Examiner's "Official Notice." In response, first, Applicants respectfully request that the Examiner officially apply these two references in a new Office Action if the Examiner is going to rely on the teachings of these references to support the claim rejections. Applicants point out that these references have not been officially applied.

At least based on the foregoing as well as the arguments set forth in the previous Amendment, Applicants maintain that the claimed invention is patentably distinguishable over the applied references. *See Amendment dated December 22, 2006.*

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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